

3. Plaintiffs' state court extension motion attempts to use this federal lawsuit as a basis for further delay. (Exh. B at 2.) According to plaintiffs, the "issues . . . in the federal complaint arose out of the same transaction or occurrence" as the state foreclosure, and this federal case "challenge[s] [the Bank's] right to pursue the foreclosure action against [plaintiffs]." (Id.) Plaintiffs continue that a settlement conference has been ordered by this Court, and that "the settlement conference will provide a means to resolve the dispute that has arisen between the parties" (Id.) Plaintiffs ask to stay the state foreclosure, pending completion of the federal settlement conference. (Id. at 3.)

4. Plaintiff's federal motion for extension takes a different position than the state court motion. (Exhibit C.) Here, plaintiffs say they need more time, not for settlement purposes, but to retain counsel. (Id.) Plaintiff William Moore already asked the Court for more time to retain counsel, in open court on June 12, and the Court limited plaintiffs to thirty additional days. Plaintiffs' new request provides no change in circumstances or other proper basis for an extension.¹

5. Plaintiffs' allegations regarding their efforts to to retain counsel, moreover, are insufficient. Although each plaintiff has appeared pro se, plaintiff William Moore is an Illinois-licensed attorney who "works in the area of Public Interest Law as an Affordable Housing Rights Advocate, that assists low to moderate income tenants improve their living conditions." (Exhibit D.) Plaintiffs clearly are moving forward with

¹ On June 12 the Court also gave plaintiffs the opportunity to amend the complaint. Plaintiff William Moore declined.

substantial legal decisions on their own, without counsel, as they acknowledge the Fair Debt Practices Act claim cannot lie against the Bank, and express opinions about new parties they want to sue. (Exh. C at 2.) Their professed "difficulty with contacting and/or receiving a response from . . . legal counsel" (Exh. C at 1) is a vacant assertion that does not justify a further extension.

5. This is delay for delay's sake, plain and simple. Plaintiffs want to curb the state foreclosure with a stay order in favor of this federal lawsuit, then seek unwarranted continuances here. Plaintiffs already have been given seven weeks to respond to the motion to dismiss. Enough is enough.

For those reasons, Washington Mutual Bank requests that plaintiffs motion for extension be denied.

WASHINGTON MUTUAL BANK

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